

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-6404

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RUSSELL G. ROGERS,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Claude M. Hilton, Senior District Judge. (1:03-cr-00609-CMH-1)

Submitted: January 10, 2012

Decided: January 26, 2012

Before GREGORY, DUNCAN, and DAVIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Russell G. Rogers, Appellant Pro Se. Dana James Boente, Assistant United States Attorney, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Russell G. Rogers appeals the district court's order granting his 18 U.S.C. § 3582(c)(2) (2006) motion and reducing his sentence by one month to the statutory mandatory minimum. We previously remanded this matter to the district court for a determination as to the timeliness of the appeal. The appeal having been determined to be timely, we turn to the merits of the case. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. United States v. Rogers, No. 1:03-cr-00609-CMH-1 (E.D. Va. June 17, 2008). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED